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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,671	05/17/2001	Woonhee Hwang	944-003.083	3352

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/859,671

Applicant(s)

WOONHEE ET AL.

Examiner

Sheila B. Smith

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 7, 10-12, 15-17, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Salmine (U. S. Patent Number 6,463,286).

***Regarding claim 1, 6, 11, 16,*** Salmine essentially discloses all of the claimed invention as set forth in the instant application, additionally Salmine discloses a method, exchange, telecommunication system and mobile station for temporary selective national roaming at predetermined network operation conditions in a mobile radio communication system, Salmine further discloses a method comprising the steps of determining in a first a system switching means (HPLMN) in response to a load request signal from a second system switching means (VPLMN1), that a certain load condition exists (which reads on overload message) signaling the second system switching means (VPLMN1) that certain load condition exists using a measurement report (which reads on "information provided to let the network know that it has free capacity to handle additional mobile stations at the time of receiving the request message" in column 16 lines 30-33) and in addition, a proposed action (which reads on "granting access to one or more mobile stations MS1-MS4" in column 16 lines 29-31) using an information element indicative (which reads on "information provided to let the network know that it has free

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capacity to handle additional mobile stations at the time of receiving the request message” and “granting access to one or more mobile stations MS1-MS4”) thereof as exhibited in figure 4 and disclosed in column 16 lines 29-45. However Salmine fails to specifically disclose the similarities of the system switching means <sup>as being a</sup> to the radio network controller.

Especially in view of the fact that Salmine does provide for a system switching means as disclosed in column 16 lines 29-30. Further, the method used by Salmine the system switching means is a second generation partnership project which operates similarly to the radio network controller of the 3 generation partnership project, which more than adequately meet the limitation of the network controller.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to apply the technique described by Salmine to the 3-generation partnership project for the purpose of properly balancing the load between 2 network controllers.

**Regarding claim 2, 7,12,17,** Salmine discloses everything claimed, as applied above (see claim 1) additionally, Salmine discloses action is to restrict data flow as disclosed in column 16 lines 29-30.

**Regarding claim 5, 10, 15, 20,** Salmine discloses everything claimed, as applied above (see claim 1) additionally, Salmine discloses action to release a radio bearer as disclosed in column 16 lines 25-30.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **3,4,8,9,13,14,18,19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmine in view of Frodigh et al. (U.S. Patent Number 6381458).

***Regarding claims 3,4,8,9,13,14,18,19*** Salmine discloses everything claimed, as applied above (see claim 1) however Salmine fails to specifically disclose interfrequency and intersystem handover.

In the same field of endeavor, Frodigh et al. discloses a method and system for soft handoff control based on access network capacity. Frodigh et al. discloses interfrequency and intersystem handover in column 2 lines 41-45 and 7 lines 33-36

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Salmine by modifying method, exchange, telecommunication system and mobile station for temporary selective national roaming at predetermined network operation conditions in a mobile radio communication system with a interfrequency and intersystem handover as taught by Frodigh et al. for the purpose of stopping of a system caused by the overload.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

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S. Smith  
March 24, 2003

  
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SUPERVISORY PATENT EXAMINER  
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